

SEVENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, June 11, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Martin.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators DeBerry and McFarlane:

S. B. No. 114, A bill to be entitled "An Act providing for a commission to be known as the Texas Prison Centralization Commission to be composed of five members of the House of Representatives to be appointed by the Speaker, three members of the Senate of Texas to be appointed by the Lieutenant Governor; etc., and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Williamson:

S. B. No. 115, A bill to be entitled "An Act authorizing persons, firms, or corporations engaged in the bus-

iness of supplying electric energy and gas, or either, to the public, to set their poles, piers, abutments, wires, gas lines, manholes, and other fixtures in, along, upon, across, and under any of the streets and alleys of any incorporated city or town of this State; etc. and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Williamson:

S. B. No. 116, A bill to be entitled "An Act to amend Section 27 and 28 of H. B. No. 104, passed at the First Called Session of the Forty-first Legislature, providing that the Board of Barber Examiners shall select a president and secretary; etc., and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Williamson:

S. B. No. 117, A bill to be entitled "An Act fixing the fees and salary of the official shorthand reporters of the county courts at law in any county having a population of not less than 202,000 and not more than 203,000, according to the latest Federal Census and providing the manner of its payment; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 73.

H. B. No. 38.

Appointment Announced.

The Chair laid before the Senate the following announcement:

Teddy Harper having resigned as page, the Chair appoints Lamer Zivley in his place.

Senator Excused.

On motion of Senator DeBerry, Senator Martin was excused for the day on account of important business.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger

from the Governor with the following message:

Executive Office,
Austin, Texas, June 10, 1929.
To the Honorable Senate:

Subject to your confirmation I have appointed the following named persons to the following named positions:

Honorable Richard F. Burgess of El Paso County to be Commissioner to represent the State of Texas in the distribution of the waters of the Rio Grande above Fort Quitman; this position having been created by S. B. No. 34, passed at the First Called Session of the Forty-first Legislature.

Honorable George E. Shelley of Travis County to be a member of the State Library and Historical Commission, to succeed Honorable Richard F. Burgess of El Paso County.

Honorable W. R. Smith of Midland County to be district attorney for the Seventieth (70th) Judicial District of Texas.

Respectfully submitted,
DAN MOODY,
Governor.

Read and referred to Committee on Governor's Nominations.

Communication From the Governor.

Senator Hornsby received unanimous consent to have printed in the Journal the following communication from the Governor:

In the issue of the Fort Worth Star Telegram of June sixth an editorial appeared commenting upon statements made in a speech before the Legislature on last Tuesday. In correction of statements made in the editorial the following telegram was sent to the Fort Worth Star Telegram on June eighth:

"The Fort Worth Star Telegram, Fort Worth, Texas.

Your editorial June sixth stop though I have not made a comparison I believe your quotation from speech I made in Taylor in 1926 is substantially correct stop you did not enclose in quotation marks all that was printed in the box in your editorial column just beside the quotation from 1926 speech but the casual reader might infer from the manner in which it was printed that you purported to quote literally from what I had said before Legis-

lature last Tuesday stop I made the statement before the Legislature that the cost of State Government from 1909 to 1929 had grown enormously and cited the totals of appropriations for some of the years stop In this connection I said 'if you run the ad valorem tax rate up to the constitutional limit and give the people no other relief you have passed up a great opportunity to benefit the State'. I said that the Highways of our State had to be developed and it required finances to develop them, that I believed the proper way to finance State Highway Development was by placing the cost upon the traffic and that this was conveniently done through the gasoline tax and license fees, that if license fees were reduced it meant an increase in the gasoline tax or a reduction of funds available for highway development stop I said I favored reasonable reduction in license fees and an increase in gasoline tax sufficient to make up any shortage and supply the necessary funds for highway development and maintenance stop I further commented upon effect of an increase in the gasoline tax upon the available school fund in providing additions to that fund stop I did not say that a State income tax equal to the Federal income tax should be established but I said I thought an income tax should be adopted as a substitute for our present ad valorem tax for State purposes and said this could be accomplished by adopting the general basis of Federal income tax and imposing that fractional portion of the rates which would be necessary to equal or approximately equal the amount of State ad valorem tax and that upon this beginning an economic and just system could be developed stop I endeavored to impress upon Legislature the urgent need for some relief to the ranches, farms and homes of this State of the present unjust burdens of taxation imposed upon them by the ad valorem method stop I also urged that our policy be changed to relieve the farms ranches and homes of the tax now imposed upon them for the construction of State Highways stop While you set out some figures in comparison of tax rates for different years you fail to state that for years 1923 and

1924 the State ad valorem tax rate totaled one dollar fifty cents, that for years 1925 and 1926 State ad valorem tax rate totaled one dollar forty two and that for two years of this administration, 1927 and 1928, it was reduced to total of only one dollar thirty one stop During the two years of this administration the schools of the State elementary, secondary, colleges and universities each and all were better supported than at any time in past history of the State stop I have no objection to your opposition to anything which I may advocate but I want to be quoted correctly.

DAN MOODY"

In printing the above telegram the Fort Worth Star Telegram put a head line over the telegram and a statement about it to the effect that it was denied that an adoption of an income tax was advocated in the speech before the Legislature on Tuesday. In correction of this headline and this statement in the Fort Worth Star-Telegram of June ninth the following telegram was sent: "The Fort Worth Star Telegram, Fort Worth, Texas.

I insist again that if you attempt to quote me or state my position on any public question you should quote me correctly and state my position correctly period in printing the telegram which I sent to you yesterday you have used a headline which is misleading and in the two paragraphs which you printed immediately above my telegram you make statements which are not warranted by the telegram period for example you state in your headline that I deny that I urged the adoption of an income tax and in the first sentence of your first paragraph you state that I deny that I advocated the adoption by the Legislature of a State income tax period I stated specifically in my telegram that I told the Legislature that I thought an income tax should be adopted as a substitute for our present ad valorem tax for State purposes period I said that I endeavored to impress upon the Legislature the urgent need for some relief to the ranches farms and homes of this State of the present unjust burdens of taxation imposed upon them by the ad valorem method period I did advocate a State income

tax as a substitute for the present system of State ad valorem taxes and I believe it would bring a needed relief to hundreds of thousands of ranch farm and home owners in Texas period You said that I advocated an income tax equal to the Federal income tax but you were mistaken in that statement period Likewise you are mistaken in imputing to me opposition to adjustments between the license fees on automobiles and the gasoline tax period I have advocated the policy of raising from these sources necessary funds for highway development and maintenance period I did not criticize statements in your editorial period I do not know what news article you read.

DAN MOODY."

S. C. R. No. 7.

Senator Williamson sent up the following resolution:

Requesting Congress to grant Texas additional aid for roads and bridges on account of recent disastrous floods.

Whereas, during the last two or three months there have been disastrous floods in this State by reason of excessive rain fall which has flooded our rivers and streams; and

Whereas, such floods have destroyed and damaged the roads of this State, and in some instances have washed out bridges and culverts; and

Whereas, funds available for roads and bridges in this State will be insufficient to repair the damage without additional aid;

Now Therefore, be it resolved by the Senate of the State of Texas, the House of Representatives concurring:

That Congress is hereby petitioned to grant Texas a special allotment and appropriation of Federal aid, of at least one million dollars to be available to the proper officials of this State for repair and replacement of roads and bridges in this State damaged or destroyed by floods.

That a copy of this resolution be sent by the Secretary of the Senate to the Secretaries of the Senate and House of Congress, and also a copy to each Texas representative in

Congress and each Texas United
State Senator.

WILLIAMSON,
WITT,
WOODWARD,
WIRTZ.

Read and adopted.

Simple Resolution No. 8.

Senator Miller sent up the following resolution:

Amend the rules as adopted by adding a section providing that no member who has just finished speaking can move the previous question until a Senator on opposite side has had an opportunity to speak.

MILLER.

Read and referred to the Committee on Rules.

Simple Resolution No. 7.

Senator Small sent up the following resolution:

Whereas Mrs. Ross, of Potter County, President of the Rebecca Assembly of Texas is within the bar of the Senate;

Whereas, Mrs. Ross has rendered distinguished service to her State on Civic, Fraternal and Charitable work:

Therefore, be it resolved that she may be invited to address the Senate on any subject she may choose.

SMALL.

Read and adopted.

The Chair appointed Senators Small, Neal, and DeBerry to escort Mrs. Ross to the platform.

Mrs. Ross Speaks.

The Chair introduced Mrs. Ross who briefly addressed the Senate.

Motion to Re-refer.

Senator Love moved that the communication from the Senate of Wisconsin which was referred yesterday to the Committee on Constitutional Amendments be re-referred to the Committee on Federal Relations.

Senator Williamson moved to table the motion. The motion to table was lost by the following vote:

Yeas—11.

Beck.	Miller.
Berkeley.	Parr.
Gainer.	Pollard.
Hardin.	Russek.

Thomason.
Williamson.

Wirtz.

Nays—13.

Greer.	Parrish.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Westbrook.
Love.	Woodul.
McFarlane.	Woodward.
Moore.	

Present—Not Voting.

Cousins.

Absent.

Cunningham.	Patton.
DeBerry.	Witt.
Neal.	

Absent—Excused.

Martin.

The motion to re-refer prevailed by the following vote:

Yeas—13.

Berkeley.	Neal.
Cousins.	Parrish.
Holbrook.	Stevenson.
Hyer.	Westbrook.
Love.	Woodul.
McFarlane.	Woodward.
Moore.	

Nays—12.

Beck.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Hornsby.	Thomason.
Miller.	Williamson.
Parr.	Wirtz.

Absent.

Cunningham.	Hardin.
Greer.	Witt.

(Pair Recorded).

Senator Small (present), who would vote yea with Senator Martin (absent), who would vote nay.

Motion to Reconsider.

Senator McFarlane spread on the Journal a motion to reconsider the vote by which the Senate tabled the motion to print the minority report on S. B. No. 44.

Point of Order.

The Chair held that this motion was not debatable because the motion to table—which vote this mo-

tion is to reconsider—was not debatable.

Motion to Print.

Senator Holbrook moved to have printed in the Journal a communication from W. S. Bramlett of Dallas.

Joint Session.

At 11:00 o'clock a. m., the Chair announced that the hour for the joint session had arrived. The Senate retired to the Hall of the House of Representatives.

After Joint Session.

At the conclusion of the joint session, the Senate returned to the Senate Chamber.

Recess.

On motion of Senator Wirtz the Senate at 12:03 o'clock p. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Motion to Print.

The question recurred upon the motion to print in the Journal a communication from Mr. W. S. Bramlett.

Senator Pollard moved the previous question on the motion.

The previous question failed to be ordered by the following vote:

Yeas—14.

Beck.	Moore.
Cunningham.	Parr.
DeBerry.	Pollard.
Gainer.	Stevenson.
Hardin.	Westbrook.
Hyer.	Wirtz.
Miller.	Witt.

Nays—15.

Berkeley.	Parrish.
Cousins.	Russek.
Greer.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Love.	Woodul.
McFarlane.	Woodward.
Neal.	

Absent.

Patton.

Absent—Excused.

Martin.

Senator Russek moved to reconsider the vote by which the previous question failed to be ordered. The motion prevailed by the following vote:

Yeas—15.

Beck.	Parr.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Stevenson.
Hardin.	Westbrook.
Hyer.	Wirtz.
Miller.	Witt.
Moore.	

Nays—12.

Berkeley.	Neal.
Cousins.	Parrish.
Holbrook.	Small.
Hornsby.	Thomason.
Love.	Williamson.
McFarlane.	Woodward.

Absent.

Greer.	Patton.
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(Pair Recorded).

Senator Woodul (present), who would vote nay with Senator Martin (absent), who would vote yea.

The previous question was ordered by the following vote:

Yeas—15.

Beck.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Hardin.	Stevenson.
Hyer.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Parr.	

Nays—12.

Berkeley.	Neal.
Cousins.	Parrish.
Holbrook.	Small.
Hornsby.	Thomason.
Love.	Williamson.
McFarlane.	Woodward.

Absent.

Cunningham.	Greer.
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(Pair Recorded).

Senator Woodul (present), who would vote nay with Senator Martin (absent), who would vote yea.

Senator Woodward raised the point of order that Senator Moore, who was speaking when Senator Russek made the motion to reconsider, thereby lost his right to retain the floor and therefore continue speaking after the previous question was ordered.

Senator Westbrook raised the point of order that Senator Moore yielded for the motion to reconsider with the understanding that he would not lose the floor.

Senator Wirtz raised the point of order that Senator Russek made the motion without Senator Moore's yielding at all.

The Chair declined to rule on a question of fact and asked Senator Moore whether he reserved the right to keep the floor when he yielded for the motion to reconsider.

Senator Moore stated that he expressly told Senator Russek that he, Senator Moore, would yield for the motion to reconsider, provided it did not take him off the floor.

The Chair declared that Senator Moore was entitled to the floor.

The motion to print was lost by the following vote:

Yeas—11.

Berkeley.	Patton.
Holbrook.	Small.
Love.	Thomason.
McFarlane.	Westbrook.
Neal.	Woodward.
Parrish.	

Nays—17.

Beck.	Miller.
Cousins.	Moore.
Cunningham.	Parr.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Wirtz.
Hornsby.	Witt.
Hyer.	

Absent.

Williamson.

(Pair Recorded).

Senator Woodul (present), who would vote yea, with Senator Martin (absent), who would vote nay.

Point of Order.

Senator Love rose to a point of personal privilege in defense of one

of his constituents against whom, he stated, an attack had been directed on the floor of the Senate.

Senator Wirtz raised the point of order that an attack on a Senator's constituent was not a basis for a plea of personal privilege.

The Chair overruled the point of order.

Senate Bill No. 4.

The Chair laid before the Senate as pending business the following bill:

By Senator Pollard.

S. B. No. 4, A bill to be entitled "An Act making appropriation for the support and maintenance of the State Government for the two-year period beginning September 1, 1929, and ending August 31, 1931, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Senator Parrish moved the previous question on the further consideration of the bill. The motion prevailed by the following vote:

Yeas—15.

Beck.	Pollard.
Gainer.	Russek.
Hardin.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Parr.	Wirtz.
Parrish.	Witt.
Patton.	

Nays—12.

Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Greer.	Small.
Holbrook.	Woodul.
Love.	Woodward.

Present—Not Voting.

Cousins.

Absent.

Neal.

Williamson.

Absent—Excused.

Martin.

The bill as amended passed to engrossment by the following vote:

Yeas—20.

Beck.	Gainer.
Berkeley.	Hardin.

Hornsby.
Hyer.
Love.
Miller.
Neal.
Parr.
Parrish.
Patton.

Pollard.
Russek.
Stevenson.
Thomason.
Westbrook.
Wirtz.
Witt.
Woodul.

Nays—8.

Cousins.
Cunningham.
DeBerry.
Greer.

McFarlane.
Moore.
Holbrook.
Woodward.

Absent.

Small.

Williamson.

Absent—Excused.

Martin.

The motion of Senator Pollard to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

Yeas—20.

Beck.
Berkeley.
Cousins.
Gainer.
Hardin.
Hornsby.
Hyer.
Love.
Neal.
Parr.

Parrish.
Patton.
Pollard.
Russek.
Stevenson.
Thomason.
Westbrook.
Wirtz.
Witt.
Woodul.

Nays—9.

Cunningham.
DeBerry.
Greer.
Holbrook.
McFarlane.

Miller.
Moore.
Small.
Woodward.

Absent.

Williamson.

Absent—Excused.

Martin.

(Four-fifths vote required.)

Motion to Reconsider.

Senator Miller called up the motion spread on the Journal to reconsider the vote by which the Senate tabled the motion to print the minority report on S. B. No. 44.

The motion was lost by the following vote:

Yeas—13.

Berkeley.
Cousins.
Greer.
Holbrook.
Hornsby.
Love.
McFarlane.

Neal.
Parrish.
Pollard.
Small.
Thomason.
Woodward.

Nays—15.

Beck.
Cunningham.
DeBerry.
Gainer.
Hardin.
Hyer.
Miller.
Moore.

Parr.
Patton.
Russek.
Stevenson.
Westbrook.
Wirtz.
Witt.

Absent.

Williamson.

(Pair Recorded).

Senator Woodul (present), who would vote yea with Senator Martin (absent), who would vote nay.

Senate Bill No. 6.

The Chair laid before the Senate on its second reading the following bill:

By Senator Pollard.

S. B. No. 6, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them, etc., and declaring an emergency."

The bill was read second time.

Senator Moore moved the previous question on the engrossment of the bill. The motion was lost by the following vote:

Yeas—13.

Beck.
Gainer.
Hardin.
Hornsby.
Hyer.
Love.
Moore.

Parrish.
Pollard.
Thomason.
Williamson.
Witt.
Woodward.

Nays—16.

Berkeley.
Cousins.
Cunningham.
DeBerry.
Greer.

Holbrook.
McFarlane.
Miller.
Neal.
Parr.

Patton.	Westbrook.
Russek.	Wirtz.
Stevenson.	Woodul.

Absent.

Small.

Absent—Excused.

Martin.

Senator Parr moved to reconsider the vote by which the Senate refused to order the previous question on the engrossment of S. B. No. 6. The motion prevailed by the following vote:

Yeas—19.

Beck.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Moore.	Witt.
Parr.	Woodul.
Parrish.	Woodward.
Pollard.	

Nays—9.

Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Patton.
Greer.	Wirtz.
Holbrook.	

Present—Not Voting.

Neal.

Absent.

Cousins.

Absent—Excused.

Martin.

The previous question on the engrossment of the bill was ordered by the following vote:

Yeas—19.

Beck.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Moore.	Witt.
Parr.	Woodul.
Parrish.	Woodward.
Pollard.	

Nays—10.

Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Neal.
DeBerry.	Patton.
Holbrook.	Wirtz.

Absent.

Greer.

Absent—Excused.

Martin.

The bill was passed to engrossment by the following vote:

Yeas—20.

Beck.	Russek.
Berkeley.	Small.
Gainer.	Stevenson.
Hardin.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Moore.	Wirtz.
Parr.	Witt.
Parrish.	Woodul.
Pollard.	Woodward.

Nays—7.

Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Patton.
Holbrook.	

Present—Not Voting.

Neal.

Absent.

Greer.

Love.

Absent—Excused.

Martin.

The motion of Senator Pollard to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

Yeas—22.

Beck.	Pollard.
Cousins.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Moore.	Wirtz.
Neal.	Witt.
Parr.	Woodul.
Parrish.	Woodward.

Nays—8.

Berkeley.	Holbrook.
Cunningham.	McFarlane.
DeBerry.	Miller.
Greer.	Patton.

Absent—Excused.

Martin.

(Four-fifths vote required.)

Senate Bill No. 97.

Senator Hornsby received unanimous consent to take up the following bill:

By Senator Hornsby:

S. B. No. 97, A bill to be entitled "An Act to provide for the appointment of one deputy sheriff in each county containing a population of not less than 10,040 nor more than 10,050, as shown by the preceding Federal census and authorizing the payment of salary out of the general fund of the county and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 97 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.
Moore.	Woodul.

Absent—Excused.

Martin.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Martin.

Senate Bill No. 25.

The Chair laid before the Senate on second reading the following bill:

By Senator Holbrook:

S. B. No. 25, A bill to be entitled "An Act providing for the collection, housing and care of the historical and natural history museum materials in Texas, etc., and declaring an emergency."

The bill was read the second time.

On motion of Senator Holbrook, the bill was laid on the table subject to call.

Senate Bill No. 65.

Senator Holbrook received unanimous consent to take up the following bill:

By Senator Holbrook:

S. B. No. 65, A bill to be entitled "An Act relating to banks and bank and trust companies; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 65 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Love.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.

Stevenson.	Wirtz.
Thomason.	Witt.
Westbrook.	Woodul.
Williamson.	Woodward.

Absent—Excused.

Martin.

Read third time and finally passed
by the following vote:

Yeas—30.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Martin.

Senate Bill No. 89.

Senator Pollard received unanimous consent to take up the following bill:

By Senator Pollard:

S. B. No. 89, A bill to be entitled "An Act making an emergency appropriation out of the money in the State Treasury for the Industrial Accident Board of the State of Texas, for the balance of the fiscal year ending August 31, 1929, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 89 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Love.
Berkeley.	McFarlane.
Cousins.	Moore.
Cunningham.	Miller.
DeBerry.	Neal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.

Stevenson.	Wirtz.
Thomason.	Witt.
Westbrook.	Woodul.
Williamson.	Woodward.

Absent—Excused.

Martin.

Read third time and finally passed
by the following vote:

Yeas—30.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Martin.

Senate Bill No. 80.

The Chair laid before the Senate on second reading the following bill:

By Senator Neal:

S. B. No. 80, A bill to be entitled "An Act authorizing the issuance of bonds by the Commissioners Court of Panola County after same have been authorized by a majority vote of the qualified property tax paying voters of said county voting at an election called for the purpose, funding the Road and Bridge Indebtedness of the County, incurred prior to the effective date of this Act, into bonds of Panola County; etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 80 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hornsby.

Hyer.	Russek.
Love.	Small.
McFarlane.	Stevenson.
Miller.	Thomason.
Moore.	Westbrook.
Neal.	Williamson.
Parr.	Wirtz.
Parrish.	Witt.
Patton.	Woodul.
Pollard,	Woodward.

Absent—Excused.

Martin.

Read third time and finally passed
by the following vote:

Yeas—30.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Martin.

Senate Bill No. 29.

The Chair laid before the Senate
on second reading the following bill:

By Senator Cousins:

S. B. No. 29, A bill to be entitled
"An Act creating the Texas State
Nautical School, etc., and declaring
an emergency."

The bill was read second time and
passed to engrossment.

On motion of Senator Cousins the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. No. 29 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—27.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cousins.	Hyer.
Cunningham.	Love.
Gainer.	Miller.
Greer.	Moore.
Hardin.	Parr.

Parrish.	Westbrook.
Patton.	Williamson.
Pollard,	Wirtz.
Russek.	Witt.
Small.	Woodul.
Stevenson.	Woodward.
Thomason.	

Nays—1.

McFarlane.

Absent.

DeBerry.

Neal.

Absent—Excused.

Martin.

Read third time and finally passed
by the following vote:

Yeas—17.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Moore.	Woodul.
Neal.	

Nays—4.

Cunningham.

Hornsby.

DeBerry.

McFarlane.

Absent.

Gainer.

Russek.

Greer.

Small.

Miller.

Witt.

Parrish.

Woodward.

Pollard,

Absent—Excused.

Martin.

Message From the Governor.

The Chair recognized the Door-
keeper, who introduced a messenger
from the Governor with the follow-
ing message:

Executive Office,

Austin, Texas, June 10, 1929.

To the Honorable Senate of the
State of Texas:

I have appointed Mr. Frank W.
Crook and Mr. J. W. Cain as public
weighers in and for the city of Cor-
pus Christi, Nueces County. Their
statutory endorsements are on file in
this office.

Respectfully submitted.

(Signed) DAN MOODY.

Read and referred to Committee
on Governor's Nominations.

Senate Bill No. 106.

The Chair laid before the Senate on second reading the following bill:

By Senator Love:

S. B. No. 106, A bill to be entitled "An Act amending Section 18 of an Act passed by the First Called Session of the Forty-first Legislature; providing that Mutual Health and Accident Associations may pay certain funeral benefits; etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 106 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Miller.	Patton.
Parrish.	Pollard,

Absent—Excused.

Martin.

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Small.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Woodward.
Love.	

Absent.

Greer.	Stevenson.
Miller.	Thomason.
Patton.	Witt.
Pollard,	Woodul.
Russek.	

Absent.

Martin.

Senate Bill No. 59.

The Chair laid before the Senate on second reading the following bill:

By Senator Westbrook:

S. B. No. 59, A bill to be entitled "An Act requiring trustees of public school districts to provide suitable United States flag for each school building of the district; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 59 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Small.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Woodul.
McFarlane.	Woodward.

Absent.

Greer.	Pollard.
Miller.	Russek.
Patton.	Witt.

Absent—Excused.

Martin.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	McFarlane.

Moore.	Thomason.
Neal.	Westbrook.
Parr.	Williamson.
Parrish.	Wirtz.
Russek.	Witt.
Small.	Woodul.
Stevenson.	Woodward.

Absent.

Greer.	Patton.
Miller.	Pollard.

Absent—Excused.

Martin.

Senate Bill No. 24.

The Chair laid before the Senate on second reading the following bill:

By Senator Thomason:

S. B. No. 24, A bill to be entitled "An Act making an appropriation of \$452.64 out of the General Revenue of the State of Texas, not otherwise appropriated, to pay the increase in salary of the Assistant Adjutant General of the State of Texas, as provided for in S. B. No. 315, passed in the Regular Session of the Forty-first Legislature; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 24 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Moore.	Woodward.

Absent.

Greer.	Patton.
Miller.	Pollard.

Absent—Excused.

Martin.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Small.
DeBerry.	Stevenson.
Gainer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent.

Greer.	Pollard.
Miller.	Russek.
Patton.	

Absent—Excused.

Martin.

Adjournment.

On motion of Senator Stevenson, the Senate, at 5:15 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, June 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 86 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, June 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 83 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, June 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 66 carefully examined and compared

and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 81 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 82 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 73 carefully examined and compared, and find the same correctly enrolled, and have this day at 2:33 o'clock p.m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 54, A bill to be entitled "An Act to amend Article 5338 of the Revised Civil Statutes of 1925, so as to withdraw from lease or sale or mineral permit all oil and gas upon and under any river beds and channels belonging to the public school, University asylum land, or other public lands within the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 55, A bill to be entitled "An Act to amend Article 5302 of the Revised Civil Statutes of 1925, by adding thereto Article 5302a providing that wherever the line or lines of any survey of land heretofore made across a stream, or part thereof, and the lands or any part thereof covered by such survey lie within such streams or parts thereof, and awards or patents to such surveys shall have been issued and outstanding for a period of five years from the date thereof, and have not been cancelled or forfeited, the acts and decisions of the officers of this State in the issuance of such awards or patents, shall be final and conclusive evidence that such surveys have been made in accordance with Section 5302 of the Revised Civil Statutes of 1925 and all proper enactments thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 69, A bill to be entitled "An Act creating the office of Criminal District Attorney in each County of this State in which there is a separate Judicial District composed of said County only in which Judicial District there is not now a District Attorney serving said separate Judicial District, and also in each County in which there is a separate Judicial District composed of said County and which County is a part of another Judicial District and which county has a population of not less than 74000 and not more than 74200 according to the latest United States census; providing that the present County Attorney in each said county who performs the duties of county and district attorney

remain in office and take the oath and give the bond required of District attorneys by the Constitution and Laws of Texas, organize their forces and continue their work as Criminal District Attorney until their successors are elected and qualified; etc. * * *, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, June 10, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 103, A bill to be entitled "An Act fixing the salary of the court reporter in each judicial district in this State containing four or more counties having a combined population according to the latest United States census of not less than 104,100 and not more than 104,200; and prescribing the manner of the payment of same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill, that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, June 10, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 104, A bill to be entitled "An Act fixing the salary of the court reporter in each judicial district in this State containing five or more counties having a combined population according to the latest United States census of not less than 98,700 and not more than 98,800, and prescribing the manner of the payment of same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, June 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 105, A bill to be entitled "An Act fixing the salary of the court reporter in each judicial district in this State containing four or more counties having a combined population according to the latest United States census of not less than 45,100 and not more than 45,300 and prescribing the manner of the payment of the same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 58, A bill to be entitled "An Act amending Article 2889a, relating to school teachers and teacher's certificates, so as to better provide for and regulate teacher's certificates, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 113, A bill to be entitled "An Act validating, ratifying and approving the Acts and proceedings of the county board of school trustees relating to annexation of territory to certain independent school districts and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 84, A bill to be entitled "An Act to amend Chapter 11 of Title 49, Revised Civil Statutes of 1925, by adding to said Chapter Article 2701-A; providing for the appointment of secretaries to ex-officio county superintendents of public instructions in all counties in this State where the County Judge is by law made ex-officio county superintendent of Public Instruction, prescribing the duties of such secretaries and fixing the salaries of such secretaries, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 87, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said Board; prescribing their qualifications, terms of service and duties; authorizing said Board to assume and discharge the duties assigned by law to the present State Board of Education, abolishing the State Textbook Commission; providing for an appropriation to pay the expenses of said Board; repealing all laws in conflict with this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1, A bill to be entitled "An Act appropriating Two Million Five Hundred Thousand (\$2,500,-

000.00) Dollars per year or so much thereof as may be necessary for the next two fiscal years for the purpose of promoting rural school education and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts; authorizing the State Board of Education and State Superintendent of Public Instruction to aid such schools in accordance with conditions herein specified; providing for the maintenance by all rural schools which meet the requirements of this Act a term not exceeding six and one-half months out of State school funds; providing limited equipment for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a country-wide plan; providing for the use of an amount not to exceed Five Hundred Thousand (\$500,000.00) Dollars for the payment each year of the biennium of high school tuition of rural school pupils according to the provisions of Chapter 181, General Laws of the State of Texas, 40th Legislature, Regular Session; as amended by the First Called Session of the 41st Legislature; providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all monies granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the following committee substitute which is hereto attached and made a part of this report, be passed, and be printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, June 10, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 54, A bill to be entitled "An Act to appropriate Fifteen Thousand (\$15,000.00) Dollars to

the State Department of Agriculture to be used by the Commissioner of Agriculture as an emergency fund to pay salaries, and traveling expenses of inspectors, and general office expenses of the Department of Agriculture, and to pay damages for fruit destroyed and other claims; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 90, A bill to be entitled "An Act amending Article 819 of the Code of Criminal Procedure of 1925 so as to make provision for convicts out on bond pending appeal to voluntarily report to the penitentiary within five days after the receipt of the mandate by the Clerk from the Court of Criminal Appeals; providing for notice to the convict of the receipt of the mandate, and enacting other provisions necessary and incidental to said purpose; fixing the time when the service of sentence in the penitentiary shall begin to run; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 76, A bill to be entitled "An Act to provide for the payment of the salaries and office and traveling expenses of the county superintendent of schools in all counties having a population of less than 100,000 according to the Federal Census of 1920; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Berkeley.

S. B. No. 76

A BILL

To Be Entitled

An Act to provide for the payment of the salaries and office and traveling expenses of the county superintendent of schools in all counties having a population of less than 100,000 according to the Federal Census of 1920; repealing all laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. In all counties having a population of less than 100,000 according to the Federal Census of 1920 the county board of school trustees shall make an annual allowance out of the state and county available school funds for statutory salary and expense of office of the county superintendent of schools and the same shall be pro-rated to all of the schools of the county, provided that expenditure for office and traveling expenses shall not exceed twelve hundred dollars per annum to be determined by the county board of trustees and to be paid by warrants approved by the county board of trustees upon itemized statements submitted under affidavit by the county superintendent.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The importance of this legislation and the crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, June 10, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 95, A bill to be entitled "An Act to provide that the compensation of the Tax Commissioner

of the State of Texas shall be such amount as may be provided for by the legislature in appropriation bills, repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Wirtz.

S. B. No. 95.

A BILL

To Be Entitled

An Act to provide that the compensation of the Tax Commissioner of the State of Texas shall be such amount as may be provided for by the legislature in appropriation bills, repealing all laws in conflict, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. The compensation to be paid to the Tax Commissioner of the State of Texas shall be such sum as may be provided for by appropriation bills of the legislature from time to time.

Sec. 2. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that it is desirable to pay the Tax Commissioner such salary as may be provided from time to time by appropriation bills instead of the salary provided by Article 6813 of the Revised Civil Statutes of Texas creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three separate days in each House be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, June 10, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 102, A bill to be entitled "An Act fixing the salary of the court reporter in each judicial district composed of one county only, and in which county there is only one district court; and also in each district composed of two or more counties; prescribing the manner of

the payment of such salary; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Wirtz, Moore,

S. B. No. 102.

Martin, Berkeley.

A BILL

To Be Entitled

An Act fixing the salary of the official court reporter in each judicial district composed of one county only, and in which county there is only one district court; and also in each district composed of two or more counties; prescribing the manner of the payment of such salary; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In each judicial district of this State composed of one county only, and in which there is only one district court, and also in each judicial district composed of two or more counties, the salary of the official court reporters shall be Twenty-seven Hundred Dollars per annum, in addition to the compensation for transcript fees and allowances for expenses now provided by law; said salary to be paid monthly by the commissioners' court of the county or counties, out of the general fund of the county or counties, upon the certificate of the district judge; provided that in judicial districts composed of two or more counties, said salary shall be paid by such counties of the district in proportion to the number of weeks provided by law for holding court in the respective counties in the district; and provided that in a district wherein in any county the term may continue until the business is disposed of, each county shall pay in proportion to the time court is actually held in such county.

Sec. 2. The fact that the present laws are inadequate in so far as they affect the salary of court reporters in the class of districts mentioned in this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is

hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 39, A bill to be entitled "An Act to amend Article 1430, Title 17, Chapter 8, of the Penal Code of the State of Texas, adopted at a Regular Session of the Thirty-ninth Legislature, 1925, being an Act defining the receiving or concealing of stolen property, or property which has been acquired in such a manner that the acquisition comes within the meaning of the term theft by one knowing the same to have been so acquired, and prescribing the punishment for the violation thereof, and providing that no person shall be excused from testifying against persons who have violated the provisions of said Article for the reason that such testimony would incriminate such witness, and providing that no person required to so testify shall be punishable for acts disclosed by such testimony, and providing that no such person so testifying shall be held in law or in fact to be an accomplice when a witness in any such trial."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MILLER, Chairman.

By Williamson.

S. B. No. 39.

A BILL
To Be Entitled

An Act to amend Article 1430, Title 17, Chapter 8, of the Penal Code of the State of Texas, adopted at a Regular Session of the Thirty-ninth Legislature, 1925, being an Act defining the receiving or concealing of stolen property, or property which has been acquired in such a manner that the acquisition comes within the meaning of the term theft by one knowing the same to have been so acquired, and prescribing the punishment for the violation thereof, and providing that no person shall

be excused from testifying against persons who have violated the provisions of said Article for the reason that such testimony would incriminate such witnesses, and providing that no person required to so testify shall be punishable for acts disclosed by such testimony, and providing that no such person so testifying shall be held in law or in fact to be an accomplice when a witness in any such trial.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1430, of Title 17, Chapter 8, of the Penal Code of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, be, and the same is, hereby amended to read hereafter as follows:

Article 1430. 1. Receiving Stolen Property. Whoever shall receive or conceal property which has been acquired by another in such manner as that the acquisition comes within the meaning of the term theft, knowing the same to have been so acquired, shall be punished in the same manner as if he had stolen the property, (and no person shall be excused from testifying against any person who is charged with a violation of the provisions of this Article for the reason that such testimony shall tend to incriminate him, but no person required to so testify shall be punishable for acts disclosed by such testimony, and no person so required to testify shall be held in law or in fact to be an accomplice when a witness in any trial for a violation of the provisions of this Article.)

Sec. 2. The fact that in all prosecutions for receiving and concealing stolen property it is necessary for the State to prove by evidence, beyond a reasonable doubt, that the receiver or concealer of such property knew the same to have been so acquired when he received or concealed the same, and the fact that the seller of such property is nearly always the thief or the accomplice of the thief who stole the property, and cannot be compelled to testify in such cases without incriminating himself, and the fact that the buyers and receivers of stolen property, especially in the larger cities of the State give a ready market to thieves, creates an emergency and impera-

tive public necessity that the constitutional rule requiring that bills should be read on three several days in each House be suspended, and the same is hereby suspended and that this Act take effect and be in effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 40, A bill to be entitled "An Act to provide means to facilitate the sequestration of personal property and authorizing the courts, by proper order made, to assist in the location of property sought by sequestration, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal and not otherwise.

MILLER, Chairman.

By Williamson. S. B. No. 40.

**A BILL
To Be Entitled**

An Act to provide means to facilitate the sequestration of personal property and authorizing the courts, by proper order made, to assist in the location of property sought by sequestration; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Whenever a Writ of Sequestration shall be issued for the purpose of securing possession of any personal property, and the officer having said writ for execution is unable to locate the property involved, the court to which the writ is returnable may, upon application therefor, order any party to the suit having possession thereof, to deliver same to such officer. Such court, may by order, require any person, or any party to the suit having knowledge or information about the location of any property sought under the Writ of Sequestration, and the location of which property is unknown, to fully disclose to the court such knowledge or information. If the party or person to

whom the order be directed shall not be before the court, upon the rendition thereof, the court shall provide therein for service of a copy of such order upon the one affected thereby. Such copy may be served upon the person to whom the order may be directed by any person who is competent to be a witness. Any disobedience to any order, made under the term hereof, after notice of said order and a reasonable opportunity to perform the same, shall be treated as a contempt and punished in the same manner as disobedience to an injunction, as provided in Article 461, Revised Civil Statutes of Texas, 1925.

Sec. 2. Nothing herein shall affect the defendant's right of replevy.

Sec. 3. The importance of this Act and the crowded condition of the calendar creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, June 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 41, A bill to be entitled "An Act amending Article 1558 of the Penal Code of 1925, relating to the removal and disposition of mortgaged personal property; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate favorably with the recommendation that it do pass and be printed in the Journal.

MILLER, Chairman.

By Williamson. S. B. No. 61.

**A BILL
To Be Entitled**

An Act amending Article 1558 of the Penal Code of 1925, relating to the removal and disposition of mortgaged personal property; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. Article 1558 of the Penal Code of 1925 is hereby amended so as to read as follows:

Article 1558. If any person has

given or shall hereafter give any mortgage, deed of trust or other lien in writing, upon any person or movable property or growing crop of farm produce, and shall remove the same or any part thereof out of the State, or out of the county in which it was located at the time the mortgage or lien was created, or shall sell or otherwise dispose of the same with intent to defraud the person having such lien, either originally or by transfer, he shall be confined in the penitentiary for not less than two nor more than five years. Proof that the mortgagor removed such property out of the county in which it was located at the time the mortgage or lien was created or that he sold or otherwise disposed of the same either originally or by transfer and that the mortgagor failed to pay the debt or any part thereof when due for which the mortgage or lien was given, shall be prima facie evidence that such property was removed or disposed of with intent to defraud as provided by this Act.

Sec. 2. The fact that under the present laws of this State it is not unlawful to remove mortgaged property from the county, creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, June 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 20, A bill to be entitled "An Act repealing Article 4a and Article 4b of the Code of Criminal Procedure of the State of Texas, said Article constituting what is known as the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal and not otherwise.

MILLER, Chairman.

By Love, Woodward. S. B. No. 20.

A BILL

To Be Entitled

An Act repealing Article 4a and Article 4b of the Code of Criminal Procedure of the State of Texas, said Articles constituting what is known as the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Article 4a and Article 4b of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature of the State of Texas, said Articles constituting an Act passed by the Thirty-ninth Legislature, known as the Search and Seizure Act, be and the same are hereby repealed.

Sec. 2. The fact that the Articles have the effect of retarding and hindering the enforcement of the Criminal Laws of this State, and of hampering and embarrassing the Peace officers of the State in the faithful execution of the laws, creates an emergency and an imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, June 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 21, A bill to be entitled "An Act repealing Art. 727a of the Code of Criminal Procedure of the State of Texas, said Article constituting what is known as the Evidence Clause of the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the original bill do not pass, but that the Committee Substitute, hereto attached, do pass in lieu thereof, and that it be printed in the Journal and not otherwise.

MILLER, Chairman.

By Love.

S. B. No. 21.

A BILL

To Be Entitled

An Act amending Article 727A of the Code of Criminal Procedure of the State of Texas relating to the use of evidence obtained in violation of any provisions of the Constitution or laws of the State of Texas, or of the Constitution of the United States of America, so as to eliminate reference to the laws of the United States; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 727A, of the Code of Criminal Procedure of the State of Texas, of 1925, be and the same is hereby amended to hereafter read as follows:

"Article 727A. No evidence obtained by an officer or other person in violation of any provisions of the Constitution or laws of the State of Texas, or of the Constitution of the United States of America, shall be admitted in evidence against the accused on the trial of any criminal case.

Sec. 2. The public interest in the subject involved in this bill and the fact that prompt action is necessary in order to effect the passage hereof at this Called Session of the Legislature creates an emergency and an imperative public necessity requiring that the constitutional rule that bills be read on three several days be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

EIGHTH DAY.

Senate Chamber,
Austin, Texas.

Wednesday, June 12, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hornsby.

Hyer.

Love.

McFarlane.

Miller.

Moore.

Neal.

Parr.

Parrish.

Patton.

Pollard.

Russek.

Small.

Stevenson.

Thomason.

Westbrook.

Williamson.

Wirtz.

Witt.

Woodul.

Absent—Excused.

Martin.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday the same was dispensed with on motion of Senator Small.

Petitions and Memorials.

(See Appendix).

Committee Reports.

(See Appendix).

Bills and Resolutions.

By Senator Parr:

S. B. No. 118, A bill to be entitled "An Act creating the 113th Judicial District Court for Nueces County; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Judicial Districts.

By Senator Woodul:

S. B. No. 119, A bill to be entitled "An Act to amend Art. 1265, Chapter 20, Title XXVIII of the Revised Civil Statutes of the State of Texas of 1925, and providing methods by which any city having a population of 100,000 and under 150,000 as shown by the preceding Federal census, may extend its boundary limits and annex additional territory adjacent or contiguous to such city, and declaring an emergency."

The bill was read first time and referred to Committee on Towns and City Corporations.

By Senator Woodul:

S. B. No. 120, A bill to be entitled "An Act to amend Article 1520 of the Revised Civil Statutes of 1925 so as to define the powers of Loan and Brokerage Companies, and prescribing the capital required and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.